

U.S. Serial No. 10/607,744
Response to the Office action of March 21, 2006

Remarks

The Office action and the cited reference have been carefully reviewed. The undersigned thanks the examiner for the indication that claims 5-8 are allowed. Additionally, the Office action indicated that claim 3 was allowable if rewritten in independent form including all the limitations of the base claim. Newly presented claim 14 is substantially identical to objected-to claim 3, rewritten in independent form. Accordingly, it is respectfully submitted that newly presented claim 14 is in condition for allowance. Original claim 3 remains as dependent on claim 1, which has been amended herein. In light of the foregoing amendments and the following remarks, reconsideration and allowance of the application are respectfully requested.

The Rejections Under 35 U.S.C. §§ 102 & 103

In the Office action dated March 21, 2006, claims 1 and 2 were rejected as anticipated by Kim (US 6,627,812) and claim 4 was rejected as unpatentable over Kim in view of McMiller (US 6,194,653). Thus, claims 1-4 are at issue, claim 1 being the sole independent claim at issue. It is respectfully submitted that all claims are allowable the reasons set forth below.

Claims 1-4

Independent claim 1 is directed to a chassis assembly and recites, *inter alia*, a chassis cover including a hem assembly adapted to mate with a chassis back such that an interior surface of the chassis back is in secure physical contact with the chassis cover. In particular, independent claim 1 states that the hem assembly includes a hemmed lip bent under the chassis cover at a hemmed edge, the hemmed lip including a dimpled spring finger to engage the chassis back wherein the hem assembly when mated with the chassis back provides a tortuous path to any electromagnetic radiation disposed to enter or leave the chassis assembly.

Kim is directed to an apparatus for containing electro-magnetic interference (EMI). While Kim appears to disclose a chassis cover comprising a hem assembly, Kim does not disclose or suggest that a hemmed lip could or should include a dimpled spring finger or that such a dimpled spring finger could engage a chassis back.

McMiller is directed to an enclosure design for retaining electromagnetic interference. The Office action contends that McMiller teaches the use of dimpled spring fingers (i.e., the

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contact fingers 202) and states that it would be obvious to incorporate the dimpled spring fingers of McMiller into the structure of Kim.

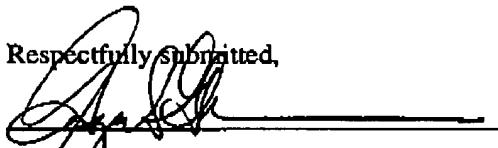
It is well established that the prior art must teach or suggest each of the claim elements and must additionally provide a suggestion of, or an incentive for, the claimed combination of elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 USPQ. 2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 USPQ. 972, 973 (Bd. Pat. App. 1985); *In re Royka*, 490 F.2d 981 (CCPA 1974) and M.P.E.P. § 2143.

The rationale provided in the Office action for the combination of Kim and McMiller is that one having ordinary skill in the art would make such an incorporation for the purpose of providing a high level of EMI containment in Kim using the contact fingers of McMiller. However, this asserted motivation is not found in the Kim or McMiller. In fact, it is respectfully submitted that there is no suggestion in either McMiller or Kim that the contact fingers of McMiller could or should be disposed on a hemmed lip bent under a chassis cover. Kim does not disclose or suggest that any such arrangement would be desirable, could be used or even physically accommodated in the structure of Kim. Furthermore, it is respectfully submitted that McMiller teaches away from such an arrangement because McMiller shows and describes contact fingers cut out of a portion of material that does not get bent under the chassis cover. It is respectfully submitted that any combination of the contact fingers of McMiller with the structure of Kim is a hindsight reconstruction based solely on the recitations in the applicants' claims and, therefore, the Office action fails to make a *prima facie* case of obviousness.

As explained above, it is respectfully submitted that there is no motivation in Kim or McMiller for the proposed combination or modification. As such, the Office action has failed to make a *prima facie* case of obviousness. Therefore, it is respectfully submitted that claim 1 and all claims dependent thereon are in condition for allowance. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

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Respectfully submitted,


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